

REMARKS

In the Office action, claims 26-42 and 2-4 were withdrawn, the specification was objected to for the word 'feature', claims 7, 9, 14, 18, 43, 46, 48 and 53 were rejected as being indefinite, claims 1, 5-7, 9-22, 25, 43-46, 48-61, 64 and 65 were rejected as unpatentable over Slack in view of Varrin, claims 8 and 47 were rejected as unpatentable over Slack, Varrin and further in view of Sadok, and claims 23 and 24 were indicated as being allowable in independent form.

As to the withdrawn claims, upon allowance of claim 1 Applicant's respectfully request that claims 2-4 be reinstated for issuance as claim 1 is presently generic to the embodiments claimed in those dependent claims. The withdrawn method claims 26-42 have been canceled from the present application and will be the subject of a divisional application. The specification has been appropriately amended to delete reference to 'feature', it being clear that "Fig." had been intended and therefore no new matter is added.

As to the indefiniteness rejections, claim 7 is amended to clarify the use of the term 'correlate'. As to claim 9, although Applicants respectfully traverse that the original claim was not a method claim, claim 9 has been amended to recite that the source applies the energy to the fitting body. This is a structural recital because it establishes a physical relationship between the source and the fitting body. Also, it is respectfully submitted that claim 9 is within the elected species of Fig. 2, because claim 9 is generic to the embodiments of Figs. 2 and 5. Claims 14 and 18 are amended consistent with the Office action. The rejections of claims 43, 46, 48 and 53 are obviated because those claims are canceled, however, the rejection of claim 43 is nonetheless traversed. The specification as filed specifically notes that a ferrule grips the conduit, see page 7, line 25 ("...the ferrules D and E plastically deform so as to provide a ... strong grip on the tube end T.") and page 8, line 3 ("...a strong mechanical assemblage, including forming a good seal and having a strong tube grip...") Moreover, it is well known and recognized in the art that many types of flareless tube fittings necessarily provide strong tube grip for pressure rating, for example, and such has been well established in the patent literature for decades. Ferrules are but one form of conduit gripping devices and the present disclosure is not limited to ferrules as such

nor to just tube fittings of the type described in the exemplary embodiments. Accordingly, claim 1 is amended to replace the word 'ferrule' with "conduit gripping device."

As to the rejections on the merits, claim 1 has been amended to recite that the analyzer determines axial position within the fitting assembly of an end of the conduit relative to said source. This recital is fully supported by the original disclosure as well as the claims as originally filed. The Slack reference determines contact pressure in a thin liquid film undergoing compression between two solid bodies. There is no suggestion of determining an axial position of an end of a conduit relative to a source. The Varrin and Seymour references have no special relevance to the present application beyond simply showing two ferrule flareless tube fittings. Those references plainly are directed to efforts to externally verify axial displacement of two threaded bodies or a ferrule. There is no suggestion for determining axial position of the conduit end or an impression on the conduit. Moreover, both references necessitate significant modification of a conventional fitting.

One of ordinary skill in the art in implementing the Varrin or Seymour configurations would have absolutely no motivation or inspiration to use them with a Slack design. And one of ordinary skill in the art using the Slack configuration would not glean anything useful from Varrin or Seymour because those references adopt an entirely different approach to determining proper assembly of an entirely different type of fitting assembly, and further still, none of the references relate to determining axial position of an end of a conduit relative to a source in a fitting assembly.

Nothing in Seymour or Varrin would suggest that a Slack configuration would be applicable to the Seymour or Varrin type of fitting, and vice-versa. And, any supposed combination of the references still would not result in nor render obvious the present claims as the art is devoid of teaching or suggesting determining axial position of the end of a conduit in the claimed fitting.

Claims 23 and 24 are rewritten in independent form and as such are deemed to be allowable. The dependent claims have been amended to be consistent with amended claim 1 and recite additional patentable subject matter, however, further comment will be deferred pending further examination of the independent claims.

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Applicants respectfully submit that the claims set forth above are in condition for allowance. The Commissioner is hereby authorized to charge any and all fees incurred as a result of entering this amendment to Deposit Account No. 03-0172, order number 22188/06938.

Respectfully submitted,

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